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Forced labor

Men who worked in Japanese mines during World War II sue for wages and damages

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Li Yunde, 76, toiled in Japan's Mitsubishi coal mine during World War II after the Japanese soldiers rounded up the young men from his village in northern China.

He dug up tons of coal on 12-hour shifts every day for a year, surviving on miserable rations and fearing beatings. After the war, he left with a worthless check, never knowing that he could ask for compensation or even an apology.

Today, Li will tell his story.

Li joins five plaintiffs from China who are expected to give depositions in state court in Los Angeles. Four others now living in Southern California are also part of the suit seeking class-action status against Japanese giants Mitsubishi and Mitsui.

The lawsuit alleges that the plaintiffs are entitled to compensation for the labor performed, plus interest. It also charges that the companies were unjustly enriched. The companies then used these properties and assets -- acquired through worker exploitation -- to finance other business units, the suit says.

California courts have become a battleground for victims of forced wartime labor in Europe and Asia, after a 1999 law sponsored by state Sen. Tom Hayden, D-Los Angeles, extended the statute of limitations until 2010.

Mitsubishi's subsidiaries include Union Bank of California, Kirin Brewery Co. and Mitsubishi Motors Corp. Mitsui's units include Mitsui O.S.K. Lines, a shipping and logistics company, Mitsui Mining USA and Mitsui Real Estate USA.

The Alliance for Preserving the Truth of the Sino-Japanese War, a Cupertino organization, paid the airfare for the survivors from China. They were in the Bay Area last week at a news conference and a public forum.

"I think it's important to preserve history and to have the Japanese accept responsibility and learn from this," said Ignatius Ding, the group's executive director. The enslavement of perhaps 14,000 Chinese sent to Japan is part of the "forgotten Holocaust" in the Asian Pacific, he said. Ding devoted himself to the cause full time after he retired from Hewlett-Packard last year.

MITSUMI DENIES CLAIMS

Mitsui claims that the lawsuits relating to slave or forced labor are without merit, and added that the company was established after World War II.

"The plaintiffs seem to confuse us with other Mitsui-named entities and have wrongly named our companies as defendants," the company said in a statement. "While we have the deepest sympathy for those who suffered hardships during the World War II period, we can take neither legal nor historical responsibility, and are not in a position to honor their claims."

Yet a 1997 archived version of the company's Web site (available at web.archive.org) states, "Mitsui & Co. was founded on July 1, 1876, with a staff of 16. . . . Mitsui was dissolved into more than 200 companies in 1947. . . . Each of these companies endeavored individually to contribute to postwar economic recovery, sustaining a strong desire for reuniting that was consummated in 1959."

Mitsubishi did not return calls or e-mails seeking comment.

The suit follows the international settlements won in the late 1990s by victims of forced labor in Nazi Germany. Two Swiss banks agreed to pay \$1.25 billion in compensation for World War II claims. An agreement between the U.S. government and Germany provides more than \$5 billion to survivors of Nazi enslavement and forced labor.

Since the passage of the 1999 California law, state and federal judges have dismissed hundreds of wartime slave-labor cases. However, last week the California Supreme Court agreed to review the law in two cases.

POW LAWSUIT

In one suit, a Korean American man sued the former Onoda Cement Co. and its successor, Taiheiyo Cement Corp., for being forced to break limestone for more than a year during World War II without pay. In another case, former U.S. POWs filed suit against Mitsubishi Materials.

Rep. Mike Honda, D-San Jose, co-sponsored a bill that would preserve actions in federal court by U.S. military personnel held as prisoners of war in Japan during World War II who are seeking compensation for mistreatment or failure to pay wages.

The measure is opposed by the Bush administration, which fears it could hurt relations with Japan.

Japanese companies, joined by the U.S. and Japanese governments, have argued that the 1951 peace treaty settled wartime claims. The United States, 47 allies and Japan signed the treaty.

However, the Chinese plaintiffs were not citizens of the Allied powers in 1951, so they were not covered by the treaty, the suit says.

After the war, the Allied occupation forced Japan's industrial groups to disband. After the

peace treaty, many of the smaller enterprises merged.

Legal experts say that the slave-labor plaintiffs have a difficult case.

Obstacles include the peace treaty that dismisses such claims, many defendant companies that have changed corporate ownership, and many forced laborers who have already died, said Benjamin Ferencz, international law professor at Pace University in New York.

"What supports them is the moral argument that if people have been abused by crimes against humanity, then somebody owes them something, and somebody ought to pay them," said Ferencz, a prosecutor at the Nuremburg War Crimes Trial.

The victims must get the backing of the U.S. government for any hope of a settlement outside of litigation, said Kenneth Caruso, an attorney at Chadbourne & Parke in New York.

At the American Legion in Chinatown on Friday, the survivors shared stories of their loss. The men wore caps, traditional Chinese jackets with pockets, and cloth shoes with rubber soles -- a peasant's best. They spoke with thick accents.

Li Taojing, 81, has a wispy white beard and spoke with a raspy voice about losing his right leg, crushed beneath a falling chunk of coal at a Mitsubishi mine.

Zhang Gueiing, 63, lost her father when she was a baby; he died in a Mitsubishi mine. Both sets of her grandparents and her mother died during the war. She and her older brother were forced to beg to survive, she said, sobbing.

After the war ended, Li Yunde traveled back to China on a U.S. warship. The branch of the Mitsubishi bank in China where he was supposed to be able to cash his check closed after Japan's surrender. An only child, he took the train back to his mother and to his village.

There he raised two daughters and five sons, all farmers like he himself.

"I want the Japanese to recognize our suffering, to apologize, and pay our salary," Li said.

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